

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ROBERT CARNEY and BONNIE CARNEY,

Plaintiffs,

v.

Civil Action No. 5:07CV79
(STAMP)

OHIO RIVER COLLIERIES COMPANY,
ALL AMERICAN HOMES OF OHIO, LLC
and ALL AMERICAN HOMES, LLC,

Defendants.

ALL AMERICAN HOMES OF OHIO, LLC
and ALL AMERICAN HOMES, LLC,

Defendants/Cross-claim
Plaintiffs,

v.

OHIO RIVER COLLIERIES COMPANY,

Defendant/Cross-claim
Defendant.

OHIO RIVER COLLIERIES COMPANY,

Defendant/Cross-claim
Plaintiff,

v.

ALL AMERICAN HOMES OF OHIO, LLC
and ALL AMERICAN HOMES, LLC,

Defendants/Cross-claim
Defendants.

OHIO RIVER COLLIERIES COMPANY,

Defendant/Third-Party
Plaintiff,

v.

BRYAN OLLOM d/b/a BRYAN OLLOM EXCAVATING
and JERRY GUST MASONRY AND CONCRETE, INC.,

Third-Party Defendants.

ORDER GRANTING AS FRAMED DEFENDANT ALL AMERICAN HOMES OF OHIO,
LLC'S "MOTION TO EXTEND THE SCHEDULING ORDER DEADLINES"
AND STAYING THE JULY 27, 2007 SCHEDULING ORDER PENDING
THIS COURT'S APPROVAL OF AN AMENDED SCHEDULING ORDER

On July 23, 2007, this Court entered a scheduling order¹ setting a deadline of November 9, 2007 for completion of physical inspections of property, and a deadline of November 16, 2007 for designation of experts by the party not bearing the burden of proof on an issue. Defendant Ohio River Collieries Company ("ORCC"), by leave of this Court, filed a third-party complaint on October 4, 2007 against Bryan Ollom d/b/a Bryan Ollom Excavating ("Ollom Excavating") and Jerry Gust Masonry and Concrete, Inc. ("Gust Masonry").² On November 8, 2007, defendant All American Homes of Ohio, LLC ("All American-Ohio") filed a motion for a thirty-day extension of the deadlines for inspection of property and expert disclosure set forth in this Court's July 27, 2007 scheduling order.³ In its motion, defendant All American-Ohio also requested

¹A second scheduling order was entered on July 30, 2007. As the orders are identical, this Court refers only to the one entered first.

²Ollom Excavating filed an answer to ORCC's third-party complaint on October 29, 2007, and Gust Masonry filed its answer on November 9, 2007.

³Defendant All American Homes of Ohio, LLC informs this Court that co-defendant Ohio River Collieries Company joins in the motion.

a stay of the July 23, 2007 scheduling order until such time as all parties, including third-party defendants Ollom Excavating and Gust Masonry, can confer and submit an updated report of the parties' planning meeting.

For good cause shown, the motion of defendant All American Homes of Ohio, LLC is GRANTED AS FRAMED. Accordingly, the deadlines set forth in this Court's July 23, 2007 scheduling order are hereby STAYED, including the deadlines for physical inspection of property and expert witness designation, pending this Court's approval of an amended report of parties' planning meeting and entry of a scheduling order. All parties, including third-party defendants Ollom Excavating and Gust Masonry, shall meet and confer on or before November 28, 2007 to prepare a proposed amended meeting report. The parties shall file an amended report of the parties' planning meeting on or before December 5, 2007.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: November 15, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE